

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Oppenheimer & Co. Inc.,

Civil Action No. \_\_\_\_\_

Petitioner,

**PETITION TO CONFIRM  
ARBITRATION AWARD**

- against -

Euro Pacific Capital, Inc.

Respondent.

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Pursuant to 9 U.S.C. § 9 of the Federal Arbitration Act (“FAA”), Petitioner Oppenheimer & Co. Inc. (“Oppenheimer”), by and through its attorneys, Eversheds Sutherland (US) LLP, petitions the Court to confirm an arbitration award issued and served on April 4, 2018 by a three-member arbitration panel (the “Panel”) in the arbitration styled *Euro Pacific Capital, Inc. v. Oppenheimer & Co. Inc. et al.*, FINRA Dispute Resolution (“FINRA”) Arbitration Case Number 15-01484 (the “Award”). (Exhibit 1)

**PARTIES, JURISDICTION, AND VENUE**

1. Petitioner Oppenheimer is a corporation organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.
2. Respondent Euro Pacific is a corporation organized and existing under the laws of the State of California, with its principal place of business in Westport, Connecticut.
3. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because complete diversity exists between the parties and the amount in controversy in this action exceeds \$75,000.

4. This Court has personal jurisdiction over Euro Pacific by virtue of its substantial contacts with the State of New York, including—without limitation— its appearance at and participation in the FINRA arbitration hearing conducted in New York, New York resulting in the Award and its maintenance of a branch office in New York, New York at all relevant times.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 9 U.S.C. § 9 because the arbitration hearing took place in the Southern District of New York and because the Award was issued in the Southern District of New York.

### **PROCEDURAL HISTORY**

6. On or around June 24, 2015, Euro Pacific filed a Statement of Claim with FINRA, naming Oppenheimer and Steven Savoy (“Savoy”) as Respondents. (*See* Exhibit 1 at 1)

7. On or around June 25, 2015, Euro Pacific executed a Uniform Submission Agreement wherein it agreed “that a judgment and any interest due thereon, may be entered upon such award(s) and, for these purposes” and wherein it consented “to submit to the jurisdiction of any court of competent jurisdiction which may properly enter such judgment.” (Exhibit 2) Furthermore, the FINRA Code of Arbitration Procedure provides that “awards may be entered as a judgment in any court of competent jurisdiction.” FINRA Code of Arbitration Procedure for Industry Disputes, Rule 13904(a).

8. On or around July 20, 2015, Euro Pacific filed a Voluntary Notice of Dismissal of Respondent Steven Savoy and dismissed its claims against Savoy with prejudice. (Exhibit 3)

9. On or around July 20, 2015, Euro Pacific filed its First Amended Statement of Claim with FINRA. (*See* Exhibit 1 at 1)

10. On or around September 3, 2015, Oppenheimer filed its Statement of Answer to the First Amended Statement of Claim and Third-Party Claim against Savoy. (*Id.*)

11. On or around September 16, 2015, Oppenheimer executed a Uniform Submission Agreement containing the same terms as the Uniform Submission Agreement executed by Euro Pacific. (Exhibit 4)

12. On or around November 16, 2015, Savoy filed for bankruptcy under Chapter 13 of the United States Bankruptcy Code. Accordingly, an automatic stay was imposed on the arbitration proceeding against Savoy, and the arbitration did not consider or rule upon any claims or matters concerning Savoy, and he is not the subject of the arbitration award that is the subject of this Petition. (*See* Exhibit 1 at 4)

13. The Panel conducted eighty (80) in-person, recorded evidentiary hearing sessions over the course of forty-three (43) days, all in this District. Euro Pacific appeared and was represented by counsel at all evidentiary and pre-hearing sessions.

14. On April 4, 2018—after considering the pleadings, testimony, evidence and arguments presented at the hearing—the Panel unanimously rendered the Award.

15. A true and correct copy of the Award, signed by all three Panel members, was delivered by FINRA to Oppenheimer and Euro Pacific on April 5, 2018. (Exhibit 5)

### **REQUEST FOR RELIEF**

Pursuant to 9 U.S.C. § 9, Oppenheimer respectfully requests that the Court enter an Order confirming the Arbitration Award, and for such additional relief as the Court deems just and proper.

*On behalf of Oppenheimer & Co. Inc.*

Dated: New York, New York  
April 10, 2018

/s/ Robert D. Owen  
Robert D. Owen  
EVERSHEDS SUTHERLAND (US) LLP  
1114 Avenue of the Americas, 40<sup>th</sup> Floor  
New York, NY 10036  
Tel: (212) 389-5000  
Fax: (212) 389-5099  
RobertOwen@eversheds-sutherland.us